

FITZPATRICK, CELLA, HARPER & SCINTO

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TO: Office of PCT Legal Administration
PCT Legal Affairs Branch
U.S. Patent and Trademark Office

FROM: Daniel S. Glueck

RE: Appln. No. 10/542,631
Atty Docket No. 03500.018240

FAX NO.: (571) 273-0459

DATE: April 3, 2008

NO. OF PAGES: 8
(including cover page)

TIME:

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April 3, 2008

(Date of Deposit)

Daniel S. Glueck, Reg. No. 37,838

(Name of Attorney for Applicant)

/Daniel S. Glueck/

Daniel S. Glueck, Reg. No. 37,838

Signature

April 3, 2008

Date of Signature

DSG

FCHS_WS 2068012v1

03500.018240

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Unassigned
Yasufumi Asao)	
	:	Group Art Unit: 2871
Application No.: 10/542,631)	
	:	Confirmation No.: 6937
Filed: July 19, 2005)	
	:	
For: ECB-TYPE COLOUR LIQUID)	
CRYSTAL DISPLAY WITH	:	
RESTRAINED TEMPERATURE)	
DEPENDENCY OF COLOUR TONE	:	April 3, 2008

Attn.: PCT Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.181
TO CORRECT ERRONEOUS NOTIFICATION OF ACCEPTANCE

Sir:

RELIEF REQUESTED

In accordance with the kind suggestions of the PCT Help Desk during a telephone conversation on March 28, 2008, Applicant hereby petitions under 37 C.F.R. § 1.181 to correct both the Date of Receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements and the Date of Completion of all 35 U.S.C. 371 Requirements from "January 8, 2008," to --July 19, 2005--.

FACTS

1. The subject application was filed on July 19, 2005 under 35 U.S.C. § 371 with all documents required under 35 U.S.C. § 371(c)(1), (c)(2) and (c)(4) including an executed Declaration/Power of Attorney (copies of Declaration and date-stamped postcard receipt evidencing filing of the same on that date (MPEP 503) are attached)).

2. On November 30, 2007, an erroneous Notice of Missing Requirements Under 35 U.S.C. 371 in The United States Designated/Elected Office (DO/EO/US) was mailed, requiring the filing of a Declaration.

3. On January 8, 2008, Applicant filed a Response To Erroneous Notification Of Missing Requirements Under 35 U.S.C. 371 in The United States Designated/Elected Office (DO/EO/US), along with a copy of the executed Declaration/Power of Attorney as filed on July 19, 2005, and a copy of the date-stamped postcard receipt filing of the same.

4. On February 1, 2008, a Notice Of Acceptance Of Application Under 35 U.S.C. 371 and 37 CFR 1.495 was issued, erroneously setting the dates of Receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements and of Completion of All 35 U.S.C. 371 Requirements to be "January 8, 2008", when in fact, as discussed above, all requirements were met on July 19, 2005.

FEE STATEMENT

No fee is believed due since the error was one on the part of the U.S. Patent and Trademark Office; however, the Commissioner is hereby authorized to charge Deposit Account No. 06-1205 for any fee which may be due in connection with this paper.

CONCLUSION

In view of the foregoing, it is respectfully requested that the relief requested be granted.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Daniel S. Glueck/
Attorney for Applicant
Daniel S. Glueck
Registration No. 37,838

Attachments: Declaration/Power of Attorney
July 19, 2005 Stamped Postcard Receipt

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200
DSG/JDS

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COPY

Commissioner for Patents
Washington, D.C. 20231

Date 07.19.05
Mo. Day Yr.

Atty. Docket 03000-018240

Sir:

Kindly acknowledge receipt of the accompanying:

- ☒ Specifications, claims and abstract 28 pages, with Transmittal Form *Letter to the U.S. DO/EU/US concerning a submission*
- ☒ Patent Application Bibliographic Data Sheet 02 sheets *1* *under 35 USC 371*
- ☒ Executed Oath or Declaration and Power of Attorney
- ☒ 10 Sheets of X formal informal drawings
- ☒ Check for \$ 1260.00 (filing fee)
- ☐ Request for Continued Examination and Check for \$
- ☒ Assignment, PTO-1595 and Check for \$ 40.00
- ☐ Transmittal Under 37 CFR 1.53(d) (CPA)
- ☐ Petition under 37 CFR 1.136 and check for \$
- ☒ Other (specify) IOS, 1449, Written Opinion, Int'l. Search report copy of *WO 2005/00670A1*

by placing your receiving date stamp hereon and mailing or returning to deliverer.

This is a ☐ Continuation ☐ Divisional ☒ Continuation-In-Part

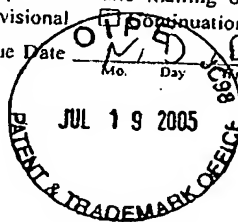
Atty. JMC/gmc

Due Date 07.19.05
Mo. Day Yr.

37 CFR 1.8 ☐

37 CFR 1.10 ☐

By Hand R



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COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION (page 1)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled ECB-TYPE COLOUR LIQUID CRYSTAL DISPLAY WITH RESTRAINED TEMPERATURE DEPENDENCY OF COLOUR TONE

the specification of which ☐ is attached hereto; or ☒ was filed on June 24, 2004 as United States Application No. or PCT International Application No. PCT/JP2004/009285 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b), of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designates at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed:

<u>Country</u>	<u>Application No.</u>	<u>Filed (Day / Mo. / Yr.)</u>	<u>(Yes / No) Priority Claimed</u>
Japan	2003-194590 (Pat.)	9 / July / 2003	Yes

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Application No.</u>	<u>Filed (Day/Mo./Yr.)</u>	<u>Status (Patented, Pending, Abandoned)</u>

I hereby appoint the practitioners associated with the firm and Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to the address associated with that Customer Number:

FITZPATRICK, CELLA, HARPER & SCINTO
Customer Number: 05514

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor Yasufumi Asao

Inventor's signature Yasufumi Asao

Date June 2, 2005 Citizen/Subject of Japan

Residence Atsugi-shi, Kanagawa-ken, Japan

Post Office Address CANON KABUSHIKI KAISHA

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